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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,258	01/23/2004	Diegane Dione	2383.001US1	8041
21186	7590	07/28/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			WEBB, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,258	<b>Applicant(s)</b> DIONE, DIEGANE	
	<b>Examiner</b> Jamisue A. Webb	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 23-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 23-70 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant have cancelled all previous claims and added a net set of claims. The independent claims state the limitation of “traverse data structure to retrieve device information in an emergency even” which is not supported by the specification. The specification discloses not specifically state the use of a “data structure”, and as far as the specification implies that a data structure is merely the collection of data associated with the nodes of the invention. The specification never discloses “traversing” any data structure to retrieve device information, all that is claimed is the device information is used.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2003/0069002) in view of Young et al. (US 2004/0168086).

6. With respect to Claims 23, 39 and 55: Hunter discloses the use of a method, system and program code<sup>4</sup> for managing occupants of a building during an emergency even comprising steps, means and instructions for:

a. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. However Hunter fails to disclose the area nodes are associated with the floor nodes to create a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system which sets hierarchical relationships between elements Such as floor nodes and area nodes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to disclose setting the hierarchical relationship between elements, such as floors and areas, in order

- to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).
- b. Generating an occupant node for each occupant and associated with location of the occupant (Paragraph 0056).
  - c. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).
  - d. Traversing the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),
  - e. Contacting occupant during an emergency (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048) and obtaining status information (Paragraph 0073).
- 7. With respect to Claims 24, 40 and 56: See Hunter paragraphs 0022, 0028 and 0056.
  - 8. With respect to Claims 25, 41, and 57: Hunter discloses the emergency situation is automatically detected by the use of sensors (Paragraphs 0031, 0032 and 0074).
  - 9. With respect to Claim 26, 42 and 58: Hunter discloses the emergency event is based on fire or hazardous materials (Paragraph 0075).
  - 10. With respect to Claims 27, 43, and 59: Hunter discloses the method can be manually initiated (Human intervention, Paragraph 0114).
  - 11. With respect to Claims 28, 44 and 60: See Young, Paragraphs 0034 and 0035.
  - 12. With respect to Claims 29, 45 and 61: See Young, Paragraphs 0010-0012.
  - 13. With respect to Claims 30, 31, 46, 47, 62 and 63: See Hunter, Paragraphs 0052-0054.

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14. With respect to Claims 32, 48 and 64: Hunter discloses the GPS system tracks an individual and delivers contents to users only affected by the emergency event (Paragraph 0054), therefore when a user leaves an area it will inherently disassociate the user with the area.

15. With respect to Claims 33, 38, 49, 54, 65 and 70: Hunter discloses the use of databases or storage devices used for information, but fails to specifically disclose the use of generating and displaying a summary of statuses of the occupants. It is old and well known in the art that summaries are printed or generated from information contained in databases. This is done for things such as attendance records, bills or even college schedules. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the status information stored in the database, of Hunter, to be used to generate a summary and display the summary, due to the fact that databases are used and created for sorting information and generating reports based on the stored information.

16. With respect to Claims 34, 50 and 66: See Hunter, Paragraphs 0066, 0073 and 0138.

17. With respect to Claims 35-37, 51-53, and 67-69: See Hunter, Paragraphs 0054-0056.

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. These claims have been cancelled; therefore all previous rejections were dropped. However new rejections have been added with regards to the newly added claims. See above.

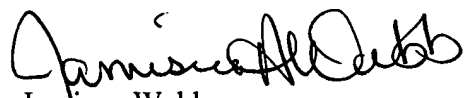
*Conclusion*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamazaki (US 2006/0128356) discloses the use of a sign up server, where a person can register their mobile phone to be contacted in case of an emergency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jamisue Webb  
Patent Examiner  
Art Unit 3629